

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

IN THE MATTER OF: ) No. B-07-80051 C-13D  
Cornelius E. Archibald )  
 )  
Debtor(s) )

**ORDER GRANTING MODIFICATION OF PLAN**

On February 24, 2011, a hearing was held on Motion by the Debtor to modify his Chapter 13 plan pursuant to 11 U.S.C. §1329. At the hearing, Richard M. Hutson II, Standing Trustee appeared, and no other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of the Trustee, finds that there is sufficient evidence of a substantial change in the Debtor's circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion by the Debtor pursuant to 11 U.S.C. §1329 is granted.
2. The Debtor is permitted to pay the mortgage in favor of Ocwen directly and not through his Chapter 13 plan.
3. The Debtor's plan payments are scheduled at \$1,299.00 per month beginning March, 2011, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.
4. Any default in payments prior to March, 2011, under the plan is waived and the plan shall be extended to the term necessary to pay the delinquent amount.
5. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtor's plan.

**PARTIES IN INTEREST**

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE  
SERVED BY THE BANKRUPTCY NOTICING CENTER**